



# The Attorney General of Texas

March 24, 1982

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**Mr. Lee S. Vickers**  
City Manager  
City of Wylie  
P. O. Box 207  
Wylie, Texas 75098

Open Records Decision No. 310

Re: Whether newsletters from  
city manager to city council  
of city of Wylie are available  
under the Open Records Act

Dear Mr. Vickers:

You have requested our decision under the Open Records Act, article 6252-17a, V.T.C.S., as to whether weekly "newsletters" from the city manager to members of the city council of the city of Wylie are available to the public. A typical "newsletter" consists of observations, comments and recommendations by the city manager. It is distributed only to the mayor and city council members. You suggest that portions of the newsletters might be withheld from disclosure under sections 3(a)(2), (3), (4), (5), (6) and (11), which except:

(2) information in personnel files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; provided, however, that all information in personnel files of an individual employee within a governmental body is to be made available to that individual employee or his designated representative as is public information under this Act;

(3) information relating to litigation of a criminal or civil nature and settlement negotiations, to which the state or political subdivision is, or may be, a party, or to which an officer or employee of the state or political subdivision, as a consequence of his office or employment, is or may be a party, that the attorney general or the respective attorneys of the various political subdivisions has determined should be withheld from public inspection;

(4) information which, if released, would give advantage to competitors or bidders;

(5) information pertaining to the location of real or personal property for public purposes prior to public announcement of the project, and information pertaining to appraisals or purchase price of real or personal property for public purposes prior to the formal award of contracts therefor;

(6) drafts and working papers involved in the preparation of proposed legislation;

....

(11) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than one in litigation with the agency;

Section 3(a)(5) excepts information pertaining to negotiations for the acquisition of real or personal property, so long as the transaction has not been completed. Open Records Decision No. 234 (1980). See also Open Records Decision Nos. 291 (1981); 222 (1979). We have marked a portion of the newsletter of April 17, 1981, which may be withheld under section 3(a)(5). You may withhold similar information from other newsletters, but it must be emphasized that, when a transaction described in a newsletter has been completed, all factual information related thereto becomes available to the public unless it is excepted by another provision of section 3(a). Open Records Decision No. 234 (1980).

Section 3(a)(11) is applicable to the extent that information in the newsletters consists of the advice, opinions or recommendations of the city manager. See Open Records Decision Nos. 295, 293, 287 (1981). To assist you in determining which portions of the newsletters are excepted by section 3(a)(11), we have marked those parts of the April 3, 10, 17, 24 and May 1 newsletters which may be withheld thereunder. None of the other exceptions you have invoked appear to be applicable to information in the newsletters. Accordingly, except for information which you deem to be excepted by sections 3(a)(5) and 3(a)(11), based upon the standards we have indicated, the newsletters from the city manager to the mayor and city council are available to the public.

Very truly yours,



MARK WHITE  
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